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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,475	07/20/2001	Simon Blair Dobson	60130-1168/99MRA0172	1631
26096	7590	02/26/2003		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER	SMITH, TYRONE W
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/910,475

Applicant(s)

DOBSON, SIMON BLAIR

Examiner

Tyrone W Smith

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 20 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 and 19-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 20 December 2002 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1, 19 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1 which states the limitation, "wherein the closure is subjected to accelerations and is arranged to distinguish an actuator force applied to the closure by the actuator from an acceleration force applied to the closure from accelerations by consideration of the at least one parameter". This limitation is reiterated in claims 19 and 25. Examiner requests that the Applicant change/modify the claims to give a more descriptive or understanding of the claims.

Applicant should note that claims dependent on the independent claims are also rejected under 35 U.S.C. 112 second paragraph.

2. Examiner's rejection of claims is with the best intention/knowledge of the invention/claims. Applicant must take note of the prior rejections and make corrections to the application for apt prosecution of case.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 and 19-25 rejected under 35 U.S.C. 102(b) as being anticipated by Ohiro et al (JP-09-328964; also refer to the US equivalent of Ohiro - Kume et al (6100658). Ohiro discloses a window opening/closing device, which includes a rotational speed sensor considered to meet the claimed measurement cell(s) (Figure 1 #18) mounted on to the actuator, control section (Figure 1 #30), motor (Figure 1 # 18), a system for manual movement of the window apparatus with a worm gear (Figure 1 items 20, 22, 24, 26 and 28). The motor and the system for manual movement of the window apparatus with a worm gear perform as an actuator. The control section (Figure 7 #70) includes a pulse period calculator (Figure 7 #72) for calculating the period pulses based on the pulses from the rotational speed sensor (Figure 7 #29), the jamming determination unit (Figure 1 #74) determines whether an object is jammed between the window glass and frame. The jamming determination calculates the load (force) based on the signal from the pulse period calculator by way of the speed sensor and judges that an object is jammed when the load exceeds a preset threshold. Further, it detects a disturbance factor causing an abnormal change in the acceleration of the motor when the window glass jams an object; the disturbance factor being different from the acceleration of the motor (this is also illustrated in Figures 6, 8, 9 and 10; and refer to column 9 lines 7-59). After detection the jam determination section sends a signal to the drive control means (Figure 7 #80) to control the motor and movement apparatus for stoppage or reversal.

5. Claims 1-17 and 19-25 rejected under 35 U.S.C. 102(b) as being anticipated by Tajima et al (5832664). Tajima discloses a power window device with a safety device, which includes a motor (Figure(s) 1 and 5 #9), a system for manual movement of the window apparatus with a worm gear (Figure 1 and Figure 5 #1), position sensor (Figure(s) 1 and 5 #8), thrust load sensor

(Figure 5 # 24) and a motor drive circuit (Figure 5 #32). The motor and the system for manual movement of the window apparatus with a worm gear perform as an actuator. The position sensor and the thrust sensor considered meeting the claimed measurement cells. The position sensor, connected to the actuator, senses the position of the window apparatus (column 3 lines 1-65). The thrust sensor, connected to the actuator, senses the thrust load (force) on the rotary shaft of the motor as a drive source for the window (column 3 lines 66-67 and column 4 lines 1-49; Figure(s) 3b, 3c, 7 and 8). The position sensor and the thrust sensor send signals to the microcomputer (Figure 5 #30) for detecting the safety control region from the open/closed state of the window and another system for detecting the nipping of the window frame. As stated in the above rejection the safety device in combination with the window glass which uses a motor for supplying a force for raising and lowering the window glass; the motor uses a rotary shaft that receives a thrust load (force) when an object is nipped by the window glass.

Examiner's Response

6. Applicant's arguments filed December 20, 2002 have been fully considered but they are not persuasive.

Applicant argues that the references used to reject the present application do not teach a closure system able to distinguish between a force applied to the closure by an actuator from an acceleration force applied to the closure from acceleration. Examiner, based on the claims as presented, rejects of claims is with the best intention/knowledge of the invention/claims.

Examiner understands the invention to mean, not fully, that the closure adds acceleration force to the actuator and an obstruction, in the closure, is read by the measurement cells (speed and/or force). The measurement cells read the acceleration, change in either an acceleration of the closure above or below a threshold or rate of change, to indicate obstruction in the closure by reading the acceleration force in the actuator. Examiner bases this assessment on the claims as presented as well as the specifications and drawings.

Applicant or Applicant's representative should contact the Examiner regarding the claims/invention to resolve any issues in order to expedite prosecution.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith

Art Unit 2837



ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
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